

REMARKS

This communication is in response to the Office Action of July 1, 2008 (hereinafter "Office Action"). Claims 1 and 3-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable in view of Microsoft Corporation's "*Microsoft Windows Management Instrumentation Scripting*," (hereinafter "MSWMI") in view of admitted prior art (hereafter "APA"). While applicants disagree with the rejection, in order to advance the prosecution of the current application, independent Claims 1 and 9 have been amended. For at least the reasons set forth below, applicants traverse the rejection of the pending claims and respectfully request reconsideration and allowance of all pending claims.

Rejection of Claims 1 and 3-17 Under 35 U.S.C. § 103(a)

As noted above, Claims 1 and 3-17 were rejected under 35 U.S.C. § 103(a) as being unpatentable in view of MSWMI in view of admitted prior art (APA).

Claims 1 and 3-8

Claim 1, as amended, reads as follows:

A computer-implemented method for providing access to instrumentation data from within a managed code runtime environment, the method comprising:

providing an application compiled into an intermediate form from a runtime-aware programming language, the application being suitable for execution by a runtime engine in a managed code runtime environment;

executing the application in a managed code runtime environment having a runtime engine configured to execute applications compiled into an intermediate form, wherein there is a defined contract of operation between the executing application and the runtime engine to delegate certain application tasks to the runtime engine that enable the runtime engine to service requests from the executing application at runtime, including requests for instrumentation data representing management information about other applications and devices available **in an environment** outside the managed code runtime environment, **the environment comprising a native code environment**;

receiving a request at the runtime engine from the executing application for instrumentation data available **in the environment** outside said managed code runtime environment, the request including a path of an instrumentation data object for accessing the instrumentation data, options used to retrieve the

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instrumentation data object, and an identification of a parent of the instrumentation data object;

transmitting a corresponding request for said instrumentation data to an instrumentation data source **existing in the environment outside** said managed code runtime environment;

receiving a response to said corresponding request from said instrumentation data source;

converting said response to a format that is compatible with said managed code runtime environment; and

responding to said request for instrumentation data with said converted response.

(Emphasis added.)

Applicants submit that Claim 1, as amended, is allowable over MSWMI for the reasons set forth below.

MSWMI purportedly presents an overview of the Common Information Model (CIM) and the Windows Management Instrumentation (WMI) architecture. WMI services execute in a native code environment on the computer system. The present application addresses accessing instrumentation data that resides outside the managed code runtime environment, which MSWMI does not describe or suggest.

Indeed, the Office Action fails to cite to a passage in MSWMI that discusses an application program executing in a runtime environment that requests instrumentation that is available outside of the managed code runtime environment. The passages of MSWMI referenced by the Office Action in regard to the recitation of Claim 1 "requests for instrumentation data representing management information about other applications and devices available outside the managed code runtime environment" simply do not describe such requests. For example, page 2, bullet point 5, referenced by the Office Action, describes capturing instrumentation data from device drivers, which exist within the managed code runtime environment.

Therefore, because MSWMI does not describe an application program executing in a managed code runtime environment that requests instrumentation that is available outside of the runtime environment, MSWMI does not teach or suggest "requests for instrumentation data representing management information about other applications and devices available outside the managed code runtime environment" as recited in Claim 1.

In order to better distinguish Claim 1 from the reference, Claim 1 has been amended to recite "requests for instrumentation data representing management information about other applications and devices available **in an environment** outside the managed code runtime environment, **the environment comprising a native code environment.**" (Emphasis added.)

Because Claim 1's recitations "receiving a request at the runtime engine from the executing application for instrumentation data . . . " and "transmitting a corresponding request for said instrumentation data to an instrumentation data source . . . " have also been amended to recite "the environment outside the managed code runtime environment," referencing the environment comprising a native code environment, MSWMI fails to teach or suggest the above recitations of Claim 1 for at least the reasons described above in regard to the recitation "requests for instrumentation data representing management information"

In view of the above, applicants submit that MSWMI, taken alone or in combination with the APA of the present application does not teach or suggest the above-identified elements of independent Claim 1. Therefore, for at least the above reasons, Claim 1, as amended, is submitted to be allowable over MSWMI in view of APA.

Because Claims 3-8 depend directly or indirectly from Claim 1, Claims 3-8 are submitted to be allowable for at least the same reasons as Claim 1.

Claims 9-17

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Because independent Claim 9 has been amended to recite "receiving a request from an application compiled from source written in a runtime-aware language into an intermediate form for instrumentation data representing management information about other applications and devices available **in an environment** outside the runtime environment, **the environment comprising a native code environment**," Claim 9, as amended, is submitted to be allowable for the reasons similar to those discussed above in regard to Claim 1.

Because Claims 10-17 depend directly or indirectly from Claim 9, Claims 10-17 are submitted to be allowable for at least the same reasons as Claim 9.

CONCLUSION

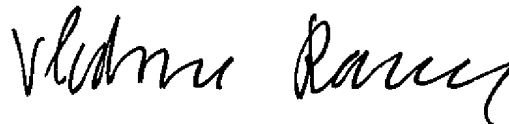
In view of the foregoing amendments and remarks, applicants submit that the pending claims are in condition for allowance over the cited and applied references. Reconsideration and allowance of the pending claims at an early date is requested. In order to facilitate the

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prosecution of this application, if the Examiner feels that there are outstanding issues that may be readily resolved, the Examiner is invited to contact the applicants' undersigned counsel at the number below.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read "Vladimir Raskin". The signature is fluid and cursive, with the first name "Vladimir" and last name "Raskin" clearly distinguishable.

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